

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Great West Casualty Company,

Plaintiff

v.

Arch Insurance Company, et al.,

Defendants

Case No. 2:24-cv-02351-CDS-EJY

**Order Striking Clerk's Notice of
Intent to Dismiss Under Rule 4(m)**

[ECF No. 9]

Plaintiff Great West Casualty Company filed its first amended complaint was filed on March 10, 2025. FAC, ECF No. 8. One week later, on March 17, 2025, the Clerk of Court entered its notice of intent to dismiss under Federal Rule of Civil Procedure 4(m) because no proper proof of service was filed for Great West's complaint filed on December 17, 2024. ECF No. 9. The notice provides that Great West must provide proof of service by April 16, 2025, to avoid dismissal. *Id.* However, because the clerk erroneously issued the notice, I strike it.

The rules regarding service provide that "the plaintiff is responsible for having the summons and complaint served within the time allowed by Rule 4(m)," which requires, in part, that a defendant be served **within 90 days after the complaint is filed**. Fed. R. Civ. P. 4(c)(1); Fed. R. Civ. P. 4(m) (emphasis added). Here, Great West's first amended complaint was filed on March 10, 2025, which effectively supersedes the original complaint in its entirety and renders it inoperative. *Lacey v. Maricopa County*, 693 F.3d 896, 927 (9th Cir. 2012) ("[T]he general rule is that an amended complaint supersedes the original complaint and renders it without legal effect[.]").

Conclusion

Accordingly, it is ordered that the Clerk of Court's notice of intent to dismiss pursuant to Federal Rule of Civil Procedure 4(m) [ECF No. 9] is STRICKEN.

Dated: March 25, 2025



Cristina D. Silva
United States District Judge